

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, February 21, 2006**

Mayor Alan Bernholtz called the meeting to order at 7:03 p.m. Council members present: Ron Chlipala, Margot Levy, Skip Berkshire, Bill Coburn and Leah Williams. (Billy Rankin was present for work session then left and arrived at the regular council meeting at 7:50 p.m.). Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess, Public Works Director Bob Gillie (for part of the meeting).

Bernholtz noted that the 8<sup>th</sup> Street Greenway was discussed during work session.

Approval of the minutes of the February 6, 2006 regular council meeting.

Coburn moved and Chlipala seconded to approve the minutes of the February 6, 2006 regular council meeting as submitted. Roll call vote taken with all present voting yes. **Motion passed unanimously.**

**1. PUBLIC COMMENTS**

Crested Butte resident Bill Roseberry said the intersection at 7<sup>th</sup> and Whiterock is confusing and requested council to put a stop sign at Whiterock so the intersection will be a three-way stop.

**2. STAFF REPORTS**

Bell:

- Reminded council of the upcoming joint work session with the Mt. Crested Butte Town Council on February 27, 2006.
- Briefed council regarding pending sale of Federal Lands as noted in his memo to council dated Feb. 21, 2006. Bell explained that the Colorado Municipal League is monitoring the situation. Council discussed the topic and the possibility of sending a letter to federal officials regarding the possible sale of federal lands, including a U.S. Forest Service parcel near Long Lake. Council will consider topic at the March 20, 2006 regular meeting (after Bernholtz reports to council following the Colorado Association of Ski Towns (CAST) meeting where the topic will be discussed.).
- Noted letter in council packets explaining that the terms of Sue Navy and Dan Jones on the Land Preservation Board expire this month. Council agreed to reappoint Sue Navy (if she agrees to appointment) and to consider Billy Rankin as appointment and Dan Jones as alternate.

Hess:

- Reported that the sketch plan for the Whetstone Business Park was approved by the Board of County Commissioners (BOCC).

- Reported the Crested Butte Area Plan (CBAP) subcommittee will meet with the Board of County Commissioners on March 14, 2006 to discuss the possibility of the County adopting the CBAP.

Gillie:

- Reported he recently met with officials with the Colorado Department of Transportation (CDOT) regarding funding for the 6<sup>th</sup> Street Improvement Project. He explained that CDOT funding for the project would not be available until August 2006, which means the project could not go out to bid until then, which is late in the season. Gillie will meet with engineer to determine if parts of the 6<sup>th</sup> Street project can be separated out so that the town can move forward on certain aspects of the project during the summer of 2006.
- Explained that he would like to write a letter to the Crested Butte Fire Protection District (CBFPD) regarding periodic inspection of fire suppression equipment in certain high occupancy buildings. Council supported Gillie's request and directed staff to write letter to the CBFPD.

Hess:

- Explained that construction cannot start on Rainbow Park until grant is signed. He said the project might be delayed depending on specifics in the grant. Bernholtz asked Hess to come back to council with a full report and update on the Rainbow Park project.

Hughes:

- Asked council about the location of Coffee with the Council. Council indicated Coffee with the Council would be held at Cucina's until further notice.

### 3. **PUBLIC HEARINGS**

A) Ordinance No. 3, Series 2006-An Ordinance Authorizing the Acceptance of the Assignment of a Conservation Easement by the Town of Crested Butte from the Crested Butte Land Trust on the DePasquale Property for Conservation Purposes and the Assumption by the Town of the Conservation Values Identified in the Conservation Easement.

Bernholtz read the title of the ordinance and opened the public hearing. Crested Butte Land Trust Representatives Sandy Leinsdorf, Vickie Church and Jim Starr were in attendance. There were no public comments.

Levy moved and Coburn seconded to approve Ordinance No. 3, Series 2006. Roll call vote taken with all present voting yes. **Motion passed unanimously.**

B) Ordinance No. 4, Series 2006- An Ordinance Authorizing the Acceptance by the Town of Crested Butte of the Assignment of a Recreation Easement on the Kroft Property for Public Recreational Use Purposes from Gunnison County and the Assumption by the Town of the Conservation Values Identified in the Conservation Easement.

Bernholtz read the title of the ordinance and opened the public hearing. There were no public comments.

Levy moved and Williams seconded to approve Ordinance No. 4, Series 2006. Roll call voted taken with all present voting yes. **Motion passed unanimously.**

Hess explained he contacted Colorado Youth Core regarding construction of trail on Kroft Recreation Easement and they indicated it would cost approximately \$5,600 a week for trail construction. He also talked with Kay Peterson who indicated the Crested Butte Mountain Bike Association might be interested in building a trail on the easement. Council discussed the topic and noted that several additional easements are needed to link up to the proposed trail on the Kroft recreation easement. Council indicated that they would like the additional easements pursued and want to hold off considering trail building options until additional easements are obtained. Council agreed they did not want the trail to be built piecemeal.

C) Ordinance No. 5, 2006-An Ordinance Authorizing the Acceptance of the Assignment of a Conservation Easement by the Town of Crested Butte from the Crested Butte Land Trust on the Kroft Property for Conservation Purposes and the Assumption by the Town of the Conservation Values Identified in the Conservation Easement.

Bernholtz read the title of the ordinance and opened the public hearing. There were no public comments.

Levy moved and Chlipala seconded to approve Ordinance No. 5, Series 2006. Roll call vote taken with all present voting yes. **Motion passed unanimously.**

#### 4. **NEW BUSINESS**

A) Ordinance No. 6, Series 2006- An Ordinance Rezoning Lots 19-24, Block 19 in the Town of Crested Butte from R-1C to B-3 Zone District.

Gillie briefed council on the topic and noted the Board of Zoning and Architectural Review (BOZAR) is supportive of the zoning change with the condition that any development may be subject to the Special Development Permit criteria for “excessive slope review” (contained in Town Code Section 15-2-18. B.). Gillie explained that BOZAR is not enthusiastic about development creeping up the hillside and the visibility of development on the hillside.

Berkshire moved and Levy seconded to set Ordinance No. 6, Series 2006 for public hearing on March 6, 2006 with the understanding that any development in Block 19, Lots 19-24 may be subject to Special Development Criteria for excessive slope review.

B) Resolution No. 3, Series 2006- A Resolution Affirming the 8<sup>th</sup> Street Greenway Plan as Referenced in the Verzuh Annexation Agreement to Include a Public Green Space, Pedestrian Path, and a Vehicle Right of Way for the Future Expansion of 8<sup>th</sup> Street.

Bell explained that staff drafted the resolution, which affirms provisions of the Verzuh Annexation Agreement. Bell added that the Town has no immediate

plans to build 8<sup>th</sup> Street but staff believes the Town should retain the right to build the street.

Bill Roseberry, spokesperson for the citizens group “Feet First,” which is advocating for the construction of a park in the 8<sup>th</sup> Street right of way, took issue with several sections of Resolution No. 3 and said Feet First is not asking the Town to vacate the 8<sup>th</sup> Street right of way. Martha Montano, also of Feet First, asked for clarification regarding the resolution and Jan Parker of Feet First said there is a big difference between a 100 foot wide green space and a park.

Rankin arrived at the meeting at 7:50 p.m.

Council discussed the topic and several council members noted it would be premature for the Town to develop a park on the 8<sup>th</sup> street vehicle right of way when the Verzuh subdivision is not built out yet and parking, future traffic patterns and future bus routes have not yet been determined. Several council members also noted that the 8<sup>th</sup> Street vehicle right of way, as well as a 100-foot wide greenbelt, were part of the Verzuh annexation agreement and that if a park is built in the right of way it would likely be very difficult to remove the park to make way for a street in the future.

Berkshire took issue with Resolution No. 3 saying the resolution is unnecessary because it just affirms what is contained in the Verzuh annexation agreement and it also makes it appear that the council had made up its mind beforehand on the issue of the possibility of developing a park on the 8<sup>th</sup> street right of way. Other council members said the resolution was important to give people an idea of the town’s direction on the issue.

Town Attorney Laura Magner confirmed that the resolution does not preclude the construction of a park in the 8<sup>th</sup> Street vehicle right of way in the future.

Levy moved and Williams seconded to approve Resolution No. 3, Series 2006 as amended with the word “will” in the eighth Whereas deleted and replaced with the word “may” and deletion of part of the last sentence in the last paragraph of the resolution so the last sentence ends with the word “discretion”. Roll call vote taken with Levy, Williams, Rankin, Bernholtz and Coburn voting “Yes” and Berkshire and Chlipala voting “No”. **Motion passes 5-2.**

## **5. EXECUTIVE SESSION**

A) To Discuss the Purchase, Acquisition, Lease, Transfer or Sale of Real, Personal or Other Property Interest Under C.R.S. Section 24-6-402 (4) (a).

B) For a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under C.R.S. Section 24-6-402 (4) (e).

Williams moved and Levy seconded to go into executive session to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest Under C.R.S. Section 24-6-402 (4) (a) and for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal

questions under C.R.S. Section 24-6-402 (4) (e). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council went into executive session at approximately 8:35 p.m. and returned from Executive session at 9:36 p.m. no action was taken.

6. **LEGAL MATTERS/TOWN ATTORNEY**

Reported that representatives of the Town, Gunnison County and the High Country Citizens Alliance met with state water quality representatives to address concerns regarding the draft permit for the Keystone Mine waste water treatment plant and will continue to talk with them about getting their concerns addressed.

7. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Williams:

- Reported on a recent conference she attended with town staff and Board of Zoning and Architectural Review representatives regarding historic preservation.
- Also reported that Denise Wise of the Gunnison County Housing Authority has made recommendations to the Board of County Commissioners regarding essential housing for revisions to the Land Use Resolution.

Chlipala:

- Reported on Mountain Express and noted that the transportation director is exploring alternative bus routes in various parts of town.

Levy:

- Reported on the West Elk Loop Scenic Byway Steering Committee and showed council new Scenic Byway maps.
- Said she is concerned about idling cars in town. Council directed staff to research what other towns are doing regarding regulation of idling cars.

Council noted a letter they recently received from the proponents of Whetstone Business Park regarding a revenue sharing plan with the Town and the letter asked if the Town was interested in being a beneficiary of a revenue sharing plan. Manger explained that the council, in the past, indicated they would support the project if the proponents provided a legally defensible revenue sharing plan. Council directed staff to speak with Rod Landwehr, the attorney for the Whetstone Business Park regarding the matter.

Council indicated that appointees to the Land Preservation Board should be put on the agenda for the March 20, 2006 meeting. Rankin indicated that he was willing to serve on the board.

Bernholtz:

- Reported that the Flauschink committee asked him if the town planned to participate in the event such as in past years when a party was held on Elk Avenue. Council said they did not want to participate.

- Indicated that a letter from the council regarding the proposed sale of Federal Lands should be put on the agenda for the March 20, 2006 regular council meeting.

7. **OTHER BUSINESS TO COME BEFORE COUNCIL** –None

Bernholtz adjourned the meeting at 9:59 p.m. by unanimous consent.

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Alan Bernholtz, Mayor

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Eileen Hughes, Town Clerk